

**ORDINANCE NO. 05-274**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 10.08 (SEWER USE ORDINANCE) OF THE LOS ALTOS MUNICIPAL CODE BY AMENDING SECTIONS 10.08.020, 10.08.240 AND 10.08.260**

SECTION 1. The Council hereby finds that the following amendments to Chapter 10.08 (the Sewer Use Ordinance) of the Los Altos Municipal Code are in the interest of public health, safety and welfare.

SECTION 2. Section 10.08.020 of the Los Altos Municipal Code is hereby amended to add the following new definitions, which shall read as follows:

**10.08.020 Definitions.**

"Hazardous waste" means a material designated as a hazardous waste by 40 CFR Part 261 or California Code of Regulations (CCR) Title 22, Division 4.5, Chapter 11.

"Industrial user" means any person that discharges, causes, or permits the discharge of industrial waste into a city sewer or storm drain.

SECTION 3. Section 10.08.240 of the Los Altos Municipal Code is hereby amended to read as follows:

**10.08.240 Standards.**

The following standards shall apply to all discharges to the sewer at a designated sampling location determined by the engineer to be consistent with the dilution prohibition contained in Section 10.08.210:

A. The categorical standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471 shall apply to all applicable sources. The definitions and procedures for establishing individual effluent limitations shall be as specified therein. Nothing in this chapter shall be construed as allowing less stringent limitations.

B. Local limitations, in addition to those specified in this section, shall be developed by the superintendent based upon the prohibitions contained in Section 10.08.190. These limitations will be imposed on appropriate dischargers via industrial waste discharge permits or modifications to existing permits.

C. In addition to the requirements of subsections A and B above, the following requirements shall apply where they are more stringent:

Parameter	Average Concentration	Instantaneous	
		Maximum	Minimum
Chemical Oxygen Demand (COD, mg/L)	1000	2000	---
Oil and grease* (mg/L)	---	20	---
Oil and grease (total), (mg/L)	---	200	---
Suspended solids (mg/L)	3000	6000	---
Total Dissolved Solids (mg/L)	5000	10000	---
Temperature, (Degrees F)			

<30 gpm & < 30 minutes		150 F	
All other times:		120 F	
Fluoride (mg/"l")	65	65	
PH		11.0	5.0

\*Gravity separation at a temperature of 20 degrees C and a pH of 4.5.

\*\*Where the pH is monitored continuously, no individual deviation from the above range shall exceed twenty (20) minutes in length for discharges less than ten thousand (10,000) gallons per day nor ten minutes in length for discharges greater than ten thousand (10,000) gallons per day. The total time of deviations during any seven calendar day period shall not exceed a total of sixty (60) minutes. Any pH reading less than or equal to 2.0 or greater than or equal to 12.5 is prohibited.

D. Dyes. Wastes showing excessive coloration shall not be discharged into the sewer system. Excessive coloration shall be defined as any coloration in a waste which, for any wavelength, displays less than sixty (60) percent of the light transmissibility of distilled water under the following conditions:

1. After filtration through a 0.45 micron membrane filter;
2. In the pH range of 5.5 to 11.0;
3. Through a one-centimeter light path;
4. A maximum spectrum band width of 10 crons nanometers;
5. Through the wavelength range from 400 to 800 nanometers.

E. Explosives. No solids, liquids, or gases which by themselves or by interaction with other substances may create fire or explosion hazards, including wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) shall be discharged. Flammable substances including, but not limited to acetone, alcohols, benzene, gasoline, xylene, hexane and naphtha, shall not be discharged into the sewer system except where present in contaminated groundwater discharges being discharged under an exceptional waste permit issued by the city. Where groundwater discharges contain such contaminants, the discharger shall monitor the sewer atmosphere for explosivity and flammability using a properly calibrated meter designed for the purpose. The frequency of such monitoring shall be defined in the permit, whenever ten (10) percent of the lower explosive level is exceeded, the discharger shall immediately notify the superintendent of the potential hazard in the sewer within fifteen (15) minutes of making the determination of threatened explosivity. The discharger shall follow verbal notification with a written explanation of the cause of the explosive hazard within five working days, with corrective actions taken to alleviate the situation and measures taken to prevent a reoccurrence. The discharger shall not recommence without prior written approval of the superintendent or his designated representative. Where flammable substances are used in processes, separate collection and disposal outside the sewer system shall be provided.

F. Grease and oil: Grease and/or oil shall not be discharged into the sewer system if the average concentration of floatable oil and/or grease (defined as that which is subject to gravity separation at a temperature of 20 degrees Celsius at a pH of 4.5) exceeds 20 mg/liter; nor shall the total oil and/or grease concentration exceed 200 mg/liter. In addition, the discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass through, as defined by EPA regulations, shall be prohibited.

G. Hazardous, noxious or malodorous substances. No industrial waste shall be discharged which alone or in combination with other wastes may create a public nuisance or hazard, make human entry into the sewers unsafe, or which constitutes a discharge of hazardous

waste.

Permitted dischargers shall be required to certify at least every six months in their Periodic Report of Continued Compliance (PRCC) that their waste does not constitute a hazardous waste and that during the previous six months no discharge of hazardous waste has occurred. Dischargers shall be required (as a condition to permission to discharge) to file with the Los Altos fire department a current hazardous materials management plan (HMMP) and to have on site copies of material safety data sheets for all hazardous materials stored, generated, or used at the discharger's site. Should any discharge of a hazardous waste occur, the discharger shall verbally notify appropriate agencies, including the EPA, the Regional Water Quality Control Board and the superintendent as soon as possible, but in no event later than twenty-four (24) hours after such discharge.

Appropriate records of hazardous waste disposal manifest inventories of stored virgin and used hazardous materials, and other documentation required by the HMMP shall be kept and made available for inspection and/or copying at the city's request.

Mercaptans and dissolved sulfides shall not be discharged in concentrations exceeding 0.1 mg/liter.

H. Organic solvents. Except as permitted by other sections of this chapter, the sewer shall not be used as a means of disposal for organic solvents. Wastewater discharged to the sewer shall not contain a sum total greater than one thousand (1,000) milligrams per liter of acetone, ethanol, methanol, or isopropyl alcohol, in any combination. Dischargers having organic solvents on site or using same shall provide and use a separate collection and disposal system outside the sewer system and shall provide safeguards against their accidental discharge to the sewer. An approved solvent management plan to prevent entry to the sanitary sewer and accidental spill prevention plans shall be filed by the discharger as a condition of permission to discharge to the sanitary sewer. Records of appropriate disposal and handling shall be maintained by the discharger and shall be available for inspection and copying by city personnel.

Organic solvents shall include, but shall not be limited to, those used in dry cleaning establishments, and shall also include separator water generated by dry cleaning equipment. Neither the organic solvent nor the separator water may lawfully be discharged to the sewer or storm drain system.

I. Total toxic organics. The prohibition against disposal of organic solvents contained in subsection (G) of this section may be replaced by a specific limitation on total toxic organics (TTO). Any such limitations must be contained in an industrial waste permit and either based on the appropriate categorical standard of the pretreatment regulations or the following: Total Toxic Organics (TTO) is the sum of all quantifiable values greater than 0.01 mg/l from the list of toxic organic pollutants contained in 40 CFR Part 433.11(e). The sum of the TTO shall be less than 1.0 mg/l as an instantaneous maximum. No individual toxic organic compound (except for phenol) shall exceed 0.75 mg/l as an instantaneous maximum. These limitations are subject to change in the future as the requirements placed on the plant become more stringent and as the process for establishing the industrial waste limitations is refined.

J. Radioactivity. The discharge of radioactive wastes into the sewer system shall conform to the requirements of California Radiation Control Regulations, Title 17, California Code of Regulations, Chapter 5, Subchapter 4, and as subsequently amended.

K. Solids. No material shall be discharged to the sanitary sewer that will obstruct or damage the collection system, treatment system, or appurtenances. Specific prohibitions are as follows:

1. Inert Solids. The discharge of inert solids including, but not limited to sand, glass, metal chips, bone, plastics, etc., into the sewer is prohibited. Settling chambers or treatment works shall be installed where necessary to prevent the entry of inert solids into the sewer system.
2. Solid Particles. Industrial wastes shall not contain particulate matter that will not pass

through a one-half-inch screen; this subsection shall not apply to domestic sewage from industrial establishments.

L. Stored liquid wastes. Liquid aqueous-based wastes that have been collected and held in tanks or containers shall not be discharged into the sewer system except at locations authorized by the engineer to collect such wastes. Wastes of this category include but are not limited to:

1. Chemical toilet wastes;
2. Industrial wastes collected in containers or tanks;
3. Pleasure boat wastes;
4. Septic tank pumping;
5. Trailer, camper, housecar, or other recreational vehicle wastes.

M. Toxicity. The following is a nonexclusive list of toxic substances and the maximum concentration allowed for each discharge:

Toxicant	Instantaneous Maximum Concentration Allowable mg/liter
Arsenic	0.1
Barium	5.0
Beryllium	0.75
Boron	1.0
Cadmium	0.1
Chromium, Hexavalent	1.0
Chromium total	2.0
Cobalt	1.0
Copper	2.0
Cyanide	1.0
Formaldehyde	5.0
Lead	0.5
Manganese	1.0
Mercury	0.01
Methyl Tertiary Butyl Ether (MTBE)	0.75
Nickel	0.5
Phenols	1.0
Selenium	1.0
Silver	0.25
Zinc	2.0

For discharges greater than fifty thousand (50,000) gallons per day through any single sampling location, the maximum concentration will be one-half the values listed in the table, with the exception of silver, nickel, and mercury, for which the limits shall remain 0.25 mg/liter, 0.5 mg/liter, and 0.01 mg/liter, respectively, regardless of flow.

The maximum concentration allowable for mercury set forth in this section shall not be

applicable to dental facilities using mercury containing amalgam. Dental facility requirements are set forth in Section 10.08.260.

The maximum concentration allowable for silver set forth in this section shall not be applicable to photographic materials processing. Silver limitations for photo processors are set forth in Section 10.08.250. The maximum concentration allowable for copper set forth in this section shall apply to all discharges except where more stringent maximum concentration limitations are specified elsewhere in this code.

These limitations are subject to change in the future as the requirements placed on the plant become more stringent and as the process for establishing the industrial waste limitations is refined.

N. Discharge limitations at the point of sampling shall be specified in each discharge permit. Based on flow and waste stream information supplied in the discharger's permit application, applicable Federal categorical limitations on process wastewaters, and other pertinent information. Discharge limitations may be expressed both in terms of total mass discharged and concentration. (Prior code § 5-5.624)

SECTION 4. Section 10.08.260 of the Los Altos Municipal Code is hereby amended to read as follows:

**10.08.260 Requirements for dental facilities that remove or place amalgam fillings.**

A. Definitions. For the purposes of this section the following words and phrases shall be as defined herein.

(1) "Amalgam separator" is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(2) "Amalgam waste" means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(3) "ISO 11143" is the International Organization for Standardization's standard for amalgam separators.

B. All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

(1) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.

(2) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that shall be available for inspection by the superintendent or designee during normal business hours.

(3) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

(4) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

(5) The use of bulk mercury is prohibited. Only precapsulated dental amalgam is permitted.

C. All owners and operators of dental vacuum suction systems, except as set forth in subsections D and E of this section, shall comply with the following:

- (1) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before March 31, 2005; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified. Alternative materials and methods may be proposed to the superintendent for approval, pursuant to Section 10.08.490.
- (2) Proof of certification and installation records shall be submitted to the superintendent within 30 days of installation.
- (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request there for by the superintendent or designee during normal business hours.

D. Facilities with vacuum suction systems that meet all of the following conditions may apply to the superintendent for an exemption to the requirements of subsection C of this section:

- (1) The system was installed before October 1, 2003.
- (2) The system is a dry vacuum pump system with an air-water separator.
- (3) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (4) Evidence of regular pump outs (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by the superintendent during normal business hours.
- (5) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (5) may apply for this exemption by written letter to the superintendent. The superintendent or designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection D shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection C of this section before commencing further operation.

E. The following types of dental practice are exempt from this section 10.08.260, provided that removal or placement of amalgam fillings occurs at the facility no more than 3 days per year: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.  
(Prior code § 5-5.626)

**SECTION 3. CEQA EXEMPTION.** This ordinance is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (California Environmental Quality Act (CEQA) pursuant to the State enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

**SECTION 4 PUBLICATION:** A summary of this ordinance shall be published in the Los Altos Town Crier, as provided for in California Government Code Section 36933.

**SECTION 5. CONSTITUTIONALITY.** If any section, subsection sentence, clause, phrase or word of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 6. EFFECTIVE DATE:** This Ordinance, pursuant to Government Code section 36937, is hereby declared to be necessary as an emergency measure for the preservation of the public peace, health, safety and property in the City, and as such shall take effect immediately and be in full force and effect after its adoption after publication at least once in an official newspaper of the City for the following reasons:

The City, as a member of the Palo Alto Regional Water Quality Control Plant ("RWQCP"), is mandated to adopt sanitary sewer discharge limitations as set forth in the Los Altos Municipal Code Chapter 10.08, as amended, to enable the City's Public Works Department to comply with the RWQCP and the National Pollutant Discharge Elimination System Permit ("NPDES") permit requirements to help reduce pollutants discharged into the San Francisco Bay. These new industrial waste discharge limits, especially the amendment to the City's mercury concentration limit, must be adopted by March 31, 2005.

The City desires to adopt the amendments to the Los Altos Municipal Code Chapter 10.08, to efficiently enforce the provisions of the City Code and to protect the property, health and safety of the citizens of the City.

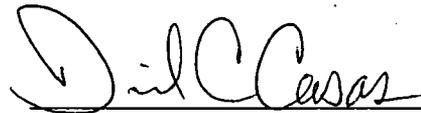
The City and other local cities share the RWQCP, which treats, discharges and recycles wastewater. The City's Public Works Department wishes to adopt the sanitary sewer discharge limitations as set forth in Chapter 10.08, as amended, to avoid any potential conflicts with the sanitary sewer discharge limitations as maintained and enforced by the RWQCP and the other local cities sharing the facility.

The Public Works Department wishes to adopt the sanitary discharge limitations as set forth in the Los Altos Municipal Code Chapter 10.08, as amended, to prevent the introduction of pollutants into the sanitary sewer system which will pass through the treatment works of the RWQCP or otherwise be incompatible with such works or interfere with the ability of the RWQCP to treat, discharge and recycle wastewater.

In order to accomplish these goals, Los Altos Municipal Code Chapter 10.08, as amended, must be adopted by means of this emergency ordinance.

PASSED FOR THE PURPOSE OF PUBLICATION this 8<sup>TH</sup> day of March 2005, by the following roll call vote:

Ayes: COLE, MOSS, PACKARD, LEAR, CASAS  
Noes: NONE  
Absent: NONE

  
David Casas, MAYOR

Attest:

  
Susan Kitchens, CITY CLERK

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